

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DOUGLAS MASTRIANO,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-24-567-F
)	
JAMES GREGORY, III, et al.,)	
)	
Defendants.)	

ORDER

Several motions to dismiss the complaint of plaintiff Douglas Mastriano have been filed, and all but one, the Motion to Dismiss by Defendant National Research Council Canada (doc. no. 119), are at issue. A response to the Motion to Dismiss by Defendant National Research Council Canada was due by January 17, 2025. *See*, doc. no. 122. The court had been awaiting the completion of briefing for that motion to address all motions to dismiss in one order.

The court is currently in receipt of Plaintiff's Motion for Leave to Amend Complaint.¹ Doc. no. 126. The court is also in receipt of the Rule 41 Notice of Voluntary Dismissal of Defendant National Research Council of Canada ("NRC"). Doc. no. 127.

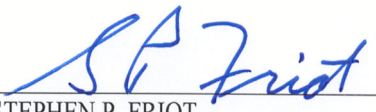
Plaintiff represents that his counsel has inquired of defense counsel and all, but counsel for Defendant National Research Council Canada, have objected to his motion to amend.

¹ The court notes that in filing the motion, plaintiff has not complied with the requirement that his exhibits "be clearly labeled with the appropriate exhibit number." ECF Policies & Procedures Manual, § II A.4.a. Alphabetical or alpha-numeric designations for exhibits are not permitted. *Id.* Plaintiff has been previously admonished to number his exhibits. Although the court may, in its discretion, strike the motion on this basis, the court declines to do so. Plaintiff is, however, warned that failure to comply in the future in filing documents may result in the document being stricken.

Accordingly, IT IS HEREBY ORDERED that any objection to Plaintiff's Motion for Leave to Amend Complaint (doc. no. 126) shall be filed **no later than January 27, 2025**. No reply will be permitted unless otherwise ordered by the court.

IT IS ALSO ORDERED that because of the dismissal of defendant National Research Council of Canada, the Motion to Dismiss by Defendant National Research Council Canada (doc. no. 119) is **STRICKEN as MOOT**.

DATED this 21st day of January, 2025.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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